

1 **LUJAN AGUIGUI & PEREZ LLP**

2 Attorneys at Law

3 300 Pacific News Building

4 238 Archbishop Flores Street

5 Hagåtña, Guam 96910

6 Telephone: (671) 477-8064

7 Facsimile: (671) 477-5297

**FILED**

Clerk  
District Court

FEB - 2 2006

For The Northern Mariana Islands

By \_\_\_\_\_  
(Deputy Clerk)

8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE**

10 **NORTHERN MARIANA ISLANDS**

11 YU SUK CHUNG,

12 Plaintiff,

13 vs.

14 WORLD CORPORATION,

15 Defendant.

CIVIL CASE NO. 04-00001

***EX PARTE* MOTION OF DAVID J. LUJAN  
AND IGNACIO C. AGUIGUI FOR AN  
ORDER SEALING OPPOSITION BRIEF  
SUBMITTED FEBRUARY 2, 2006, AND  
FOR INSTRUCTIONS REGARDING  
SERVICE OF BRIEF ON PLAINTIFF'S  
COUNSEL**

***Ex Parte Motion Under Local Rule 7.1.h.3(b)***

16 **MOTION AND CERTIFICATE PURSUANT TO LOCAL RULE 7.1.h.3(b)**

17  
18  
19  
20  
21 1. I am submitting this certificate in connection with the *Ex Parte* Motion of the  
22 undersigned and David J. Lujan for an Order Sealing Opposition Brief Filed February 2, 2006  
23 and For Instructions Regarding Service of Brief on Plaintiff's Counsel.

24 2. Mr. Lujan and I are moving the Court for an Order sealing our Opposition Brief to  
25 World Corporation's Motion for Reconsideration of the Court's January 19, 2006 Order Granting  
26 our Motion to Withdraw, as well as the Declaration of David J. Lujan and Ignacio C. Aguigui  
27 attached to the brief. The Court has set hearing on February 9, 2006 for World's motion for  
28

1 reconsideration, and allowed oppositions to the motion to be filed and served on or before  
2 February 2, 2006, and replies to be filed and served on or before February 7.

3 3. Our opposition brief contains information relating to our former representation of  
4 World, and we reasonably believe that disclosure of that information is permitted under ABA  
5 Model Rule of Professional Conduct 1.6(b)(2), *i.e.*, "to establish a claim or defense of behalf of  
6 the lawyer in a controversy between the lawyer and the client," and "to respond to allegations in  
7 any proceeding concerning the lawyer's representation of the client."

8 4. We now have an ongoing controversy with World, and World has leveled allegations  
9 regarding our representation, thus necessitating disclosure of information relating to our former  
10 representation.

11 5. Nonetheless in an effort to mitigate disclosure of that information, we are  
12 respectfully asking the Court to allow the filing under seal of the February 2 Opposition brief  
13 (and Declaration attached to the brief) if the Court, after reviewing the contents of the Opposition  
14 and Declaration, deems such filing under seal warranted.

15 6. Furthermore, depending on the Court's decision to allow the filing under seal, we  
16 also ask for the Court's instructions regarding service of the opposition on Plaintiff's counsel.  
17 We have caused copies of this motion to be served on Plaintiff's counsel, Mr. Thompson, but  
18 have only served him with the cover page of our opposition brief, in light of the issues raised in  
19 this motion. We have caused to be served copies of this motion, and a full copy of our opposition  
20 brief on Mr. Mark B. Hanson, present counsel for World Corporation. We have also provided  
21 Mr. Matthew T. Gregory with copies of the same.

22 7. The following are the attorneys for World and the Plaintiff in this matter:


23  
24 Mark B. Hanson, Esq.  
25 1<sup>st</sup> Floor, Macaranas Bldg.  
26 PMB 738, P.O. Box 10,000  
27 Saipan, MP 96950  
28 Tel. (670) 233-8600  
Fax: (670) 233-5262  
*Counsel for World Corp.*

Colin M. Thompson, Esq.  
J.E. Tenorio Bldg.  
PMB 917, P.O. Box 10,001  
Saipan, MP 96950  
Tel. (670) 233-0777  
Fax: (670) 233-0776  
*Counsel for Yu Suk Chung*

1           8. Accordingly, David J. Lujan and Ignacio C. Aguigui respectfully move the Court for  
2 an order regarding the filing under seal of their February 2 Opposition brief and the Declaration  
3 attached thereto, and for an order instructing them on whether service of the opposition brief on  
4 Plaintiff's counsel should be accomplished.

5  
6           **RESPECTFULLY SUBMITTED** this 2<sup>nd</sup> day of February, 2006.

7                           **DAVID J. LUJAN, ESQ.**  
8                           **IGNACIO C. AGUIGUI, ESQ.**  
9                           **LUJAN AGUIGUI & PEREZ LLP**

10                           By:  \_\_\_\_\_  
11   IGNACIO C. AGUIGUI, ESQ.